

REMARKS

This reply is in response to the Office Action dated September 26, 2007, for which a response is due by January 26, 2008, the enclosed one month extension of time. In the Office Action, claims 9 – 14, 17 and 18 were rejected under 35 U.S.C. 102(e) as allegedly being unpatentable over U.S. Patent Publication No. 20030100983 to Bullinger et al. (“Bullinger”). Claims 15 and 16 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bullinger in view of U.S. Patent No. 7,178,622 to Eberle et al. (“Eberle”). Claims 9 – 18 remain pending. Reexamination and reconsideration in light of the remarks made herein are respectfully requested.

As mentioned above, independent claims 9, 17 and 18 are rejected in view of Bullinger. Applicant respectfully submits that the Office Action improperly relies on Bullinger as prior art. As identified on the Application data sheet, the instant application is the National Stage of PCT EP/2003/009094 filed August 16, 2003 and claims priority to German Patent Application No. 10250732.5 filed October 31, 2002. Bullinger is the National Stage of PCT/EP01/11680 filed October 9, 2001 and published in the German language. Since the international application is not published in English, the international filing date can not be used for prior art purposes under 35 U.S.C. 102(e). As such, Applicant submits that Bullinger can not be used as prior art for the above-identified application, and that the 35 U.S.C. 102(e) rejection is improper and should be withdrawn. Reconsideration and allowance of claims 9, 17 and 18 are respectfully requested.

Claims 10-16 are dependent on claim 9 and are in condition for allowance due to dependence on allowable base claims.

For the reasons set forth above, Applicant submits that rejection is improper and should be withdrawn. Accordingly, Applicant submits that all outstanding rejections have been addressed, and that the present application is in immediate condition for allowance. Notice to this effect is earnestly solicited.

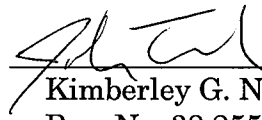
If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated in order to expedite the prosecution of the application.

Dated: January 28, 2008

Respectfully submitted,

CROWELL & MORING LLP

By


Kimberley G. Nobles
Reg. No. 38,255

John P. Teresinski
Reg. No. 59,621

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

4890048